

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

BCL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/889, 033 07/07/97 FRAZZITTA

B D-1083

LM01/0717

EXAMINER

RALPH E JOCKE
231 SOUTH BROADWAY
MEDINA OH 44256

VO, T

ART UNIT

PAPER NUMBER

2713

9

DATE MAILED:

07/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/889,033	Applicant(s) Fazzitta et al
	Examiner Tung Vo	Group Art Unit 2713

Responsive to communication(s) filed on May 11, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-47 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-47 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2713

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-47 filed 5/11/00 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16, and 18-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casale et al. (US 5,287,948) in view of Bustos (US 5,816,443) and M.C. McClure et al (US 3,294,342).

Re claims 1-4, 18, 19, 24-27, 37-42, and 47, Casale discloses a food delivery apparatus comprising a building (10 fig. 1) comprises an interior area which includes an interior wall extending therein as set forth in the previous Office Action, paper No. 9. Further, Casale discloses a carrier (conveyor trays) (94 of fig. 14) is able to be selectively moved with a transaction item (food products) between the costumer carrier delivery and receiving device and the SP carrier delivery and receiving device (col. 7, line 44 through col. 8, line 37), and the SP

Art Unit: 2713

station (14 of fig. 1), wherein the food is prepared within the second level housing (col. 6, lines 58-61), is inside the building (10 of fig. 1), and the customer station is on the side at lower level (ground level) of the building (10).

It is noted that Casale discloses the customer is on the side of the building but it is not inside the building as claimed in claims 1-3. However, Bustos teaches the customer stations (104, 115-118 of fig. 5D) are inside the building. Therefore, it would have been obvious to one of ordinary skill in the art to apply the teachings of Bustos into Casale for constructing the customer stations as shown in fig. 5D inside the building as claimed.

Re claims 12, 13, Casale further discloses the food delivery apparatus further comprises a plurality of costumer stations (the first remotely locatable, and another remotely locatable) (col. 2, lines 11 and 36), wherein the SP station is in operative connection with a communication selector device (protestable menu and order display unit) (col. 6, lines 48-57), wherein at least one customer station comprises sensor (camera) to sense a person adjacent the customer station (col. 6, lines 33-36) includes an indicator (order received via menu and order display, when the customer presses on the menu display to order food) (col. 6, lines 49-53).

*amended
103*

Re claims 5-11, 14-16, 20-23, 28, and 43-46, the combination of Casale and Bustos, specifically Casale discloses the apparatus for delivery food or product from the second housing to the base housing using the pneumatic conveyor, and the customer at the base housing is able to pick up or order food or product at window (20) having column (28) which contains food or product. However, the combination of Casale and Bustos fails to particularly disclose a cover is

Art Unit: 2713

movably mounted on the frame and movable to enable access the opening in supporting to connect with the wall , a door frame, one hinge, a sub-frame, shelf, one storage location as specified in claims 5-11, 14-16, 20-23, 28, and 43- 46.

M.C. McClure teaches a service banking equipment (figs. 1-5) having a customer station (10), the service station (18) and a pneumatic tube which carrier (51) which move the capsule (40) from the customer station to the service station. M.C. McClure further discloses the costumer station having terminal which comprises a cover (36) (the door carries the capsule) mounted on the frame to enable access to the opening (26') (col. 4, lines 24-34); a door frame (wherein the door (36) is connected to), one hinge, and a subframe are inherently in the art (fig. 1), wherein the cover includes a generally horizontal extending shelf wherein the door (36) is open in position (36') the customer is enable to conduct writing or other activities on said shelf (col. 4, lines 31-33) and at least one storage (a hollow cartridge), and switching device in operative connection with the service station (46), wherein the service station is a secure room (the teller station (18) is inside the bank which is a secure room). Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of McClure into the customer station and the service provider of the combination of Casale and Bustos in the same arrangement as claimed for the same purpose of serving the costumer at the remote location in order to reduce time, and improve the productivity of servicing person by serving more than one customer at a time and contact the customer.

Re claims 29-36, see claims 5-11.

Art Unit: 2713

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casale et al. (US 5,287,948) in view of Bustos (US 5,816,443) and M.C McClure et al (US 3,294,342), as applied in claims 1-16, and further in view of Kaehler (US 5,798,931).

Re claim 17, the combination of Casale, Bustos and McClure fails to particularly disclose a computer for storing data base at the service station. However the use of the computer for storing data base at the service station is well known in the art as taught by Keahler (26 of fig. 1). Therefore, one skilled in the art would obviously modify the computer (26) to the service station of the combination of Casale, Bustos and McClure the same purpose of storing data base for later review.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2713

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tung Vo.. whose telephone number is (703) 308-5874 and E-mail is "tung.vo@uspto.gov". The examiner can normally be reached on Monday to Friday from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley, can be reached on (703) 305-4856. The fax number for submitting formal communications is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

TV
T. Vo.

July 14, 2000

Howard Bratton
HOWARD BRATTON
PRIMARY EXAMINER